

## LANDMAN CORSI BALLAINE &amp; FORD P.C.

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September 21, 2007

Via Facsimile

Honorable Gabriel W. Gorenstein  
 United States Magistrate Judge  
 United States District Court  
 Southern District of New York  
 500 Pearl Street  
 New York, New York 10007

This case is consolidated  
 for all pre-trial purposes with  
 (CvA) 10 v. National Railroad Passenger  
 Corp.; # 04 Civ. 5760.

SO ORDERED: DATE: 10/17/07  
 GABRIEL W. GORENSTEIN  
 UNITED STATES MAGISTRATE JUDGE

Re: National Railroad Passenger Corporation v. T.C. Johnson, et al.  
 Index No.: 07 CV 06288 (PAC)(GWG)  
 Our File No.: 0148-1838

Dear Magistrate Judge Gorenstein:

This will confirm my telephone conversation of September 20, 2007 with your law clerk. He asked whether we wanted the T.C. Johnson matter consolidated with the other actions arising out of this incident. I advised him that we would like the case treated as a related case and consolidated for the purposes of discovery. I further advised him that it was my understanding that the other cases had *not* been consolidated for the purposes of trial and that the parties had not yet fully discussed how to proceed with trial.

Your law clerk also asked me whether we desire an initial discovery conference in the T.C. Johnson matter. I advised him that I would confer with the relevant parties next week and advise you of the group decision.

Respectfully submitted,

Ronald E. Joseph (RJ 9302)

REJ/dsh